

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

John J. Sweeney, Jr.

v.

Case No. 12-cv-276-SM

New Hampshire State Prison, et al.

O R D E R

No objection having been filed, I herewith approve the Report and Recommendation of Magistrate Judge Landya B. McCafferty dated December 18, 2012, for the reasons set forth therein. "[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal." School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

Plaintiff's excessive force claims against defendants Sullivan, Samson, and Logan; a retaliation claim against defendant Sullivan, and an ADA claim against the New Hampshire State Prison will go forward. Plaintiff has amended his complaint to withdraw his discrimination claim (see Order, 1/4/2013 (doc. no. 17)). All other

remaining claims and defendants are hereby dismissed from this action.

SO ORDERED.

Steven J. McAuliffe
United States District Judge

Date: January 9, 2013

cc: John J. Sweeney, Jr., pro se